

**Introduced by Senator Emmerson**

February 23, 2012

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An act to add Section 110673.1 to the Health and Safety Code, relating to food.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1293, as introduced, Emmerson. Food safety: allergens.

Existing federal law deems food to be misbranded if it contains a major food allergen, as defined, unless the labeling contains specified information.

The existing Sherman Food, Drug, and Cosmetic Law, administered and enforced by the State Department of Public Health, provides that any food is misbranded if the labeling does not conform with the federal requirements for food allergen labeling. Violation of the law or any regulation adopted pursuant to the law is a misdemeanor.

This bill would require, to the extent permitted by federal law, the State Department of Public Health to adopt certain standards for use of the terms "gluten free" and "wheat free" on food labels. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 110673.1 is added to the Health and  
2     Safety Code, to read:  
3     110673.1. Notwithstanding Section 110673, and to the extent  
4     permitted by federal law, the department shall adopt standards that  
5     authorize the use of the terms “gluten free” and “wheat free” on  
6     food labeling only when the food contains less than 20 parts per  
7     million of gluten.  
8     SEC. 2. No reimbursement is required by this act pursuant to  
9     Section 6 of Article XIII B of the California Constitution because  
10    the only costs that may be incurred by a local agency or school  
11    district will be incurred because this act creates a new crime or  
12    infraction, eliminates a crime or infraction, or changes the penalty  
13    for a crime or infraction, within the meaning of Section 17556 of  
14    the Government Code, or changes the definition of a crime within  
15    the meaning of Section 6 of Article XIII B of the California  
16    Constitution.

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